

1 KAMALA D. HARRIS
2 Attorney General of California
3 JOYCE E. HEE
4 Supervising Deputy Attorney General
5 MARGUERITE C. STRICKLIN
6 Deputy Attorney General
7 State Bar No. 103161
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2146
Fax: (510) 622-2270
E-mail: Marguerite.Stricklin@doj.ca.gov

8 *Attorneys for Appellant*
9 *Franchise Tax Board*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 CALIFORNIA FRANCHISE TAX BOARD,

15 Appellant,

16 v.

18 CHAD GREGORY MAIMONE,

19 Appellee.

3:15-cv-03027-WHO

**VOLUNTARY DISMISSAL
AGREEMENT; AND ORDER OF
DISMISSAL PURSUANT TO
AGREEMENT**

21 Appellant California Franchise Tax Board ("FTB") and Appellee Chad Gregory Maimone
22 (the "Debtor"), collectively referred to as the "Parties," by and through their respective attorneys
23 of record, hereby stipulate pursuant to Federal Rules of Bankruptcy Procedure, rule 8023, to the
24 facts set forth below, as well as to their agreement to have the Court sign the Order set forth
25 below, if necessary, approving FTB's voluntary dismissal of its appeal.

26 **RECITALS**

27 FTB has appealed from the Bankruptcy Court's orders first denying its motion to dismiss,
28 and on reconsideration denying the motion again. (In re Maimone, U.S. Bankr. Ct., No. 10-7266

1 On August 13, 2015, the Chapter 13 Trustee in the underlying bankruptcy case filed a
 2 motion for an Order dismissing the case, or converting the proceedings to a case under Chapter 7
 3 of the Bankruptcy Code, on the ground that the Trustee believes Debtor's plan is unfeasible based
 4 on the claims filed in the case. (*Id.*, Doc. No. 104) The Chapter 13 Trustee also gave the Debtor
 5 notice that he had 21 days from the motion's filing date, or until September 3, 2015, to request a
 6 hearing on the motion. (*Ibid*; Bankr. Local Rule 9014-1(b)(3).)

7 On September 3, 2015, the Debtor requested a hearing on the Trustee's motion to dismiss,
 8 and the hearing was set for October 27, 2015. (*Id.*, Doc. Nos. 107, 109.)

9 During the October 27 hearing, the bankruptcy court determined that the allegations of the
 10 Chapter 13 Trustee's motion are true and that there is good cause for dismissing the Debtor's
 11 bankruptcy case. (*Id.*, Doc. No. 115.) The bankruptcy court entered the Order of Dismissal on
 12 October 29, 2015. (*Id.*, Doc. No. 116.)

13 In light of the Order of Dismissal, FTB has reevaluated whether to maintain this appeal, and
 14 has conferred with counsel for the Debtor. The Parties agree that this appeal should be dismissed.

15 WHEREFORE, the Parties, by and through their attorneys of record, stipulate and agree as
 16 follows:

17 AGREEMENT

- 18 1. FTB will voluntarily dismiss this appeal;
- 19 2. The Parties will pay their own costs on appeal; and,
- 20 3. FTB will pay any remaining fees that are due, if any.

21 Respectfully submitted,

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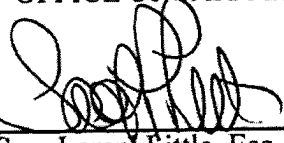
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1 Dated: November 6, 2015

2 LAW OFFICE OF SARA LAMPI LITTLE

3
4 By: 
Sara Lampi Little, Esq.
Attorney for Appellee

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6 KAMALA D. HARRIS
Attorney General of California
7 JOYCE E. HEE
Supervising Deputy Attorney General

8
9 By: 
10 MARGUERITE C. STRICKLIN
Deputy Attorney General
11 Attorneys for Appellant

12
13
14 ORDER

15 PURSUANT TO STIPULATION, IT IS ORDERED that the clerk of the district court
16 dismiss the appeal herein.

17 Dated: November 9, 2015

18
19 
U. S. District Court Judge